

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UTILX CORPORATION, a Delaware
corporation,

Plaintiff,

v.

NOVINIUM, INC., a Delaware corporation,

Defendant.

Case No. C09-375MJP

ORDER SETTING TRIAL
DATE & RELATED DATES

JURY TRIAL DATE

September 13, 2010 at 9:00 a.m.

Deadline for joining additional parties

July 14, 2009

Deadline for filing amended pleadings

July 24, 2009

Reports from expert witnesses under FRCP 26(a)(2) due

February 16, 2010

Responding expert reports

March 2, 2010

All motions related to discovery must be filed by and noted on
the motion calendar no later than the third Friday thereafter (see
CR7(d))

March 17, 2010

Fact discovery cutoff

April 16, 2010

Expert discovery cutoff

May 4, 2010

All dispositive motions must be filed by
and noted on the motion calendar no later than
the fourth Friday thereafter (see CR 7(d))

May 17, 2010

Daubert motions

May 24, 2010

Exchange lists of witnesses and exhibits, with an opportunity to
inspect exhibits within a reasonable time thereafter

July 15, 2010

Settlement conference per CR 39.1(c)(2) held no later than

July 15, 2010

1	Mediation per CR 39.1(c)(3) held no later than	August 16, 2010
2	Parties exchange proposed jury instructions	August 16, 2010
3	All motions in limine must be filed by	
4	and noted on the motion calendar no later than the	
5	second Friday thereafter	August 16, 2010
6	Agreed pretrial order due	September 1, 2010
7	Pretrial conference	September 3, 2010 at 1:30 p.m.
8	Trial briefs, proposed voir dire questions, proposed	
9	jury instructions, and trial exhibits due	September 8, 2010
10	Length of Jury Trial:	15-20 days

These dates are set at the direction of the Court after reviewing the joint status report and discovery plan submitted by the parties. All other dates are specified in the Local Civil Rules. If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal holiday, the act or event shall be performed on the next business day. These are firm dates that can be changed only by order of the Court, not by agreement of counsel or the parties. The Court will alter these dates only upon good cause shown: failure to complete discovery within the time allowed is not recognized as good cause.

If the trial date assigned to this matter creates an irreconcilable conflict, the aggrieved party must notify the Deputy Clerk, Rhonda Miller, in writing within 10 days of the date of this Order and must set forth the exact nature of the conflict. A failure to do so will be deemed a waiver. The parties must be prepared to begin trial on the date scheduled, but it should be understood that the trial may have to await the completion of other cases.

COOPERATION:

As required by CR 37(a), all discovery matters are to be resolved by agreement if possible. Counsel are further directed to cooperate in preparing the final pretrial order in the format required CR 16.1, except as ordered below.

EXHIBITS:

1 The original and one copy of the trial exhibits are to be delivered to chambers five days
2 before the trial date. Each exhibit shall be clearly marked. Exhibit tags are available in the
3 Clerk's Office. The Court hereby alters the CR 16.1 procedure for numbering exhibits:
4 plaintiff's exhibits shall be numbered consecutively beginning with 1; defendant's exhibits shall
5 be numbered consecutively beginning with the next number series not used by plaintiff.
6 Duplicate documents shall not be listed twice: once a party has identified an exhibit in the
7 pretrial order, any party may use it. Each set of exhibits shall be submitted in individual file
8 folders with appropriately numbered tabs.

9 **SETTLEMENT:**

10 Should this case settle, the parties shall notify Rhonda Miller as soon as possible at 206-
11 370-8518. Pursuant to GR 3(b), an attorney who fails to give the Deputy Clerk prompt notice of
12 settlement may be subject to such discipline as the Court deems appropriate.

13 DATED this 16th day of June, 2009.

14
15 
16

17 Marsha J. Pechman
18 United States District Judge
19
20
21
22
23
24
25
26